

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MILTON SAMUELS,	:	
	:	
Petitioner,	:	Civ. No. 23-3681 (RBK)
	:	
v.	:	
	:	
WARDEN STEVIE KNIGHT,	:	MEMORANDUM & ORDER
	:	
Respondent.	:	
	:	

Petitioner is a federal prisoner currently incarcerated at F.C.I. Fort Dix, in Fort Dix, New Jersey. He is proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. (See ECF 1). Previously, this matter was administratively terminated as Petitioner did not pay the \$5.00 filing fee nor did he apply to proceed *in forma pauperis*. (See ECF 2). Subsequently, Petitioner paid the filing fee such that the Clerk will be ordered to reopen this case.

Petitioner asserts in his habeas petition that the Federal Bureau of Prisons (“BOP”) has abused its discretion in applying the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), Pub. L. No. 116-136, 134 Stat. 281 (2020) to him. In accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to § 2241 cases through Rule 1(b) of the Rules Governing Section 2254 Cases, this Court has screened the petition for dismissal and determined that dismissal without an answer and the record is not warranted.¹

¹ This Court recognizes that Petitioner has a pending habeas petition with this Court that raises similar issues to this case. (*See* No. 22-4576). However, given additional facts that Petitioner has presented in this newly filed habeas petition that *may* impact any analysis that may be required (such as on issues related to exhaustion) to resolve Petitioner’s habeas petition, this Court finds ordering a response from Respondent is the prudent and proper course.

Accordingly, IT IS on this 9th day of November, 2023,

ORDERED that the Clerk shall reopen this case; and it is further

ORDERED that the Clerk shall serve a copy of the habeas petition and corresponding documents (ECF 1, 1-1, 1-2, 1-3, 1-4 and 1-5) and this memorandum and order on Respondent by regular U.S. mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk shall forward a copy of the petition and corresponding documents (ECF 1, 1-1, 1-2, 1-3, 1-4 and 1-5) and this memorandum and order to the Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that within forty-five (45) days of the date of the entry of this memorandum and order, Respondent shall file and serve a response which responds to the allegations and grounds in the habeas petition and which includes all affirmative defenses Respondent seeks to invoke; and it is further

ORDERED that Respondent shall file and serve with the response certified copies of all documents necessary to resolve Petitioner's claims and affirmative defenses; and it is further

ORDERED that within forty-five (45) days of receipt of the response, Petitioner may file a reply to the answer; and it is further

ORDERED that within seven (7) days of Petitioner's release, be it parole or otherwise, Respondent shall electronically file a written notice of the same with the Clerk; and it is further

ORDERED that the Clerk shall serve this order on Petitioner by regular U.S. mail.

s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge